

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT  
DISTRICT OF N.H.  
FILED

2013 DEC 27 A 11:02

WALTER SIMPSON

Plaintiff(s)

v.

COMPLAINT 13-fp-549

Ronald R. White - Superintendent  
And Employees of MCDOR

Defendant(s)

Parties to this Complaint

Plaintiff(s)'s Name, Address and Phone Number

WALTER M. SIMPSON  
Merrimack County Department of Corrections  
314 D.W. Highway  
Boscawen, New Hampshire

Defendant(s)'s Name, Address and Phone Number

Ronald R. White - Superintendent of County Corrections  
Officer Overlock - Property Officer  
LAS S. Dolecki - Asst. Superintendent  
KARA S. WYMAN - Chief of Operations  
Administration workers Rose, Courtney  
Merrimack County Department of Corrections  
314 D.W. Highway  
Boscawen, New Hampshire. 03303

**Jurisdiction and Venue:**

(Explain why your case is being filed in federal court and why the court is legally permitted to hear your case. Add additional sheets as necessary.)

I've Tried Solving This ISSUE Thruagh The IN-House System, the Merrimack County Superior Court And They All Take Advantage of Me And The Fact I don't Know Law, Nor Know How to do this I am certifiyell Dissulted. I Very Scared AS To What They Are going to do To me.

Thank you.

**Statement of Claim:**

(As briefly as possible, state each claim you have against defendant(s) and state the legal cause of action, facts, and circumstances that gave rise to your claim(s). Add additional sheets as necessary.)

- 1) Wrongfully Removed me From Protective Custody and Put me in the Hole, without ANY write up or Anything.
- 2) Wrongfully Punished me for Filing Request and complaints By Sending me to Another County Facility, Know I worked for the DEA and state
- 3) Took All my Personal Belonging and Threw in Trash
- 4) Took All my legal Papers, TO Include my Discourse and Threw in Trash,
- 5) Hindered and knowingly Restricted my communications with counsel of Record.

**Relief Requested from the Court:**

(Briefly state exactly what you want the Court to do for you. Add additional sheets as necessary.)

- 1) I want to be Reimbursed for All my Belongings that were Thrown away "
- 2) I want to be Compensated for All monetary DAMAGES
- 3) I want them to Pay for the Past 18 months of Hell they've Caused me.
- 4) I want it made so they can Never do this to anyone

**Jury Demand**

- ☒ Check this box if you are requesting a jury trial (if you want a jury of your peers to decide your case).
- ☐ Check this box if you are NOT requesting a jury trial (if you want the assigned judge to decide your case).

Date: 12/19/2013

Signature: Walter M. Fajen, "Pro SE"

(1)

ON or About July 8th, 2012, I was laying on my Bunk (Bed) Reading during lockdown Time. When my door was opened and Two Guards (One was Officer Emery) Entered my Cell and Asked me to Stand up. I complied with their Request.

Officer Emery went on to Explain to me "I was Being Sent to Charlie Unit, on Administrative Segregation Status," Charlie Unit Being "The Hole." I Asked Him Why, There was No Write up or anything, his Response was he had no Idea Why, He was Just Following orders from Case Management Officer Labelle (Mrs. Since been changed to "Brown") and that she would be down to speak with me. I complied with Officer Emery's Request.

Officer Emery Asked me to Bring a Sweat Shirt and Shorts with me. Along with All my County ISSUED Property. I Implied as to All my other Belongings, He Stated that it was going to Property and that I would have to Request what I was Able to have in The Hole, Charlie Unit.

Upon Arriving At Charlie Unit I was Processed into the Unit (Assigned a cell, Stripped out, and Informed Mrs. Labelle would be down to see me soon.)

After Approximately 1 Hour, Mrs. Labelle (Case Management Worker, No My Worker Though) Arrived to Speak with me. She Informed me that I would be doing a 30 day Rotation in The Hole (Charlie Unit) with Inmate Fred Chapman (See Enclosed Relationship with Mr. Chapman) I Told Mrs. Labelle that she couldn't do this, there was No Write up or Anytype of ISSUE Between Mr. Chapman and myself that I was Aware of. I Refused to Sign some Piece of Paper she had (which later disappeared) I thought By Signing this Form I'd be Admitting some type of Problem or Agreeing to this Move.

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MRS. Labelle's Response was that She could do what She wanted to. She then left.

The following day I was granted some out of cell Time (you get 1 hour on Monday-Friday and 30 Min. on weekends) While out on my Tier Time (out of cell Time) I Attempted to Send A Request to my case manager, office Lavigne, the Kiosk Machine kept turning off in the middle of my explanation to Mrs. Lavigne. (this was on the 9th of July, 2012) so I was only able to write Help and send it to her. the following day I looked to see if she had responded, But No Response. I then submitted a Request to the Head of Classification. Again the Machine kept turning off. (I did on the 13th of July, 2012, get a Response from case manager Lavigne, stating "you were placed in segregation, so that it is fair, because you can't be around someone else"

Upon receiving the limited commissary I was able to order in this status, I began to write letters to the following Administrative officials, Miss Struven (Classifications) Lt. O'Keefe (Head of Security) Mrs. Les Dolecal (Assistant Superintendent) and Mrs. Lavigne (my personal case manager) None of the above officials came to speak with me in regards to this issue, or even responded to my letters at all. (my copies of those letters, later also disappeared) In those letters I had explained my relationship with Mr. Chapman, (see enclosed) and that there were other alternatives to this, other than punishing me for doing nothing wrong.

On July 14th, 2012 I got a Response to my letters. The officers (can't remember who) wrote me up and told me to pack my bags, I was leaving B:B (Bag and Broomage) I asked where I was going, they had No Idea, Just following orders.



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upon Arriving in Processing, I was confronted by Officer Nuckem and Officer Robinson and informed I was being Transferred to another Facility. I asked where I was going and why I was being Transferred. Their response was they had no idea just following orders. There was a female Sheriff who was Transporting me. I observed Mr. Nuckem giving the Sheriff a white Bag (Trash Bag) and told her this was my Belongings. I asked Officer Nuckem "what was in the Bag" His response was "What you able to leave where you going" I asked about my legal Paperwork, He then stated again, "What you able to leave is in the Bag"

When I was settled in the Sheriff's car, she informed me I was being Transferred to Hillsborough County Department of Corrections - AKA "Valley Street", I asked yet again why, she also stated she "had no idea, just following orders"

When I Arrived at Hillsborough County D.O.C. As I was being Processed into the Facility by Officer Frencher, I was asked why I was being Transferred there? I told him, I had no idea. He stated that there was no reason put on the Transfer Paperwork and that usually they ~~meaning~~ (Merrimack County) only send trouble makers or violent inmates to them. I informed him I was neither of those. I asked him if I'd be able to bring my discovery with me upstairs. He then told me that the only thing in the Bag was 2 pads Paper, 5 stamped Envelopes, 5 Non-stamped Envelopes, a few Pencils, a Phone card all of which I had purchased while I was in the hole at Merrimack County. Also there was a XXX DVD movie, where that came from I have no idea. I was not allowed to bring any of the above stated over



(4.)

Items up stairs with me, they were placed in my property there. There was a property sheet done, of what I had brought from Merrimack County.

I was brought upstairs to the 2-B unit, which is a mixture of max custody, segregation and the P.S.U. unit (Restricted Housing Unit) I stayed in that unit for about 7 days, while there in that unit there were a couple of inmates who had been transferred from Merrimack County for disciplinary reasons, who also knew I was a protective custody inmate from Merrimack County, who had worked with the N.H. and U.S. Drug Task Force. Mr. Murry Merrimack County Attorney had sent a letter to one of the people I had set up for him, informing him that I was the one who set him up.

After about a week on 2-B I was transferred to 1-A which was the classification unit, there was a mixture of unclassified inmates, awaiting hearing inmates, inmates on suicide watch, protective custody inmates, isolation inmates, quarantine inmates, special status inmates and inmates who were detoxing from one substance or another.

After being there for a couple of days and being about 10 days without my prescribed medications, I started to having hallucination and requested to see mental health. I saw the mental health worker and explained what I was on, it took her a couple more days, but she got a list of my medications from Merrimack County and started giving them to me again.

Then I was medically cleared and classified to another unit 2-D, which is a medium-max unit. I lasted

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I was in 2-D unit for about 2 hours, before a threat on my life was made because I was a rat. So off to protective custody I went.

I've never been so humiliated in my life, as I was while in the protective custody unit at "Valley street". We were given 1 hour in the morning and 1 hour in the afternoon for out of cell time. It was so much different from protective custody at Merrimack county.

The first night in protective custody the true pain and humiliation started. I was spit on, had urine, sperm and feces thrown in my face, on my bed and floor of my cell a number of times. The first time it happened I reported it to the correctional officer, his response was "Shut up you bitch". I told him to go fu himself, he called a code 33 (10) and I was dragged into the Sally Port and beat, and beat hard. They then put me in the hole for 19 days, until I healed some then put me back in protective custody, where I spent about 14 months.

Never in my life have I suffered such mental anguish or wanted to kill my self so bad. But by the grace of God I made it through it and on September 16th, 2013 I was sent back to Merrimack county a broken man. Just writing this complaint to the courts is very scary, for once the people (administration) finds out, Lord know where I'll be sent to be punished. But this has to stop.

The next few pages involves all the attempts made by myself to get my discovery and property from  
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 over

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Merrimack County.

I Started by writing to officer Overlock, who is the Property officer at Merrimack County (this was while I was still at "Valley Street") and as you Recall is the major contributor to the Property missing and all the issues around it.

I wrote Mr. Overlock Requesting my legal Papers Discovery, etc, Be Sent to me and Asking How I could get the Rest of my Property Released to my Family. I waited a couple of months, But no Response. So I then wrote to Capt. O'Keefe (who I've since found out is only an Lt.) I waited, no Response from him. I then wrote to the Assistant Superintendent of the Merrimack County D.C.C., no Response. So I wrote to the Superintendent of Merrimack County D.C.C. Mr. Ronald White Explaining Everything that had transpired with his Facility, that was on August 14th, 2013, well that got a Response, Not from him But from Assistant Superintendent Les Dolecki that was on August 25th, 2013, (From this Point Forward I've got most of the correspondence Between myself and others in regards to the missing Belongings (Discovery, Property) with the Exception of what was put on the Kiosk, I've Attempted to get copies of that, But as you'll see got no where.

The Response from Mrs. Les Dolecki on August 25th, 2013 was that "on July 14th, 2012 our Property officer checked and stated that none of your legal Paperwork is Here (at Merrimack County) I also checked with Lt. O'Keefe and Investigator Ryba and none of them have (or have seen) your Paperwork," she continues on by saying, "When you were Transferred all your Property should have

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gone with you and there is no indication it did not. My suggestion is to thoroughly check your Property At Hillsborough to determine if it may be there."

ON September 2nd, 2013 I Wrote Back to Mrs. Dolecki attempting to solve this issue one way or the other and asking questions as to the fairness and legality of me being sent to Hillsborough county for no reason.

While I was waiting for a response from Mrs. Dolecki I was (on September 16th, 2013) transferred back to Merrimack county Jail. No reason given by either Merrimack or Hillsborough counties.

on September 20th, 2013 I started keeping another list as to my correspondence with county officials.

on September 24th, 2013 I wrote once again to Mrs. Les Dolecki, and this time thanked her for bring me back to Merrimack county. and attempting to bring closure to the property issue.

on September 26th, 2013 I received a response but from an attorney, staff attorney by the name of John Vinson stating the reason for my transfer was due to me getting into fight, while I never got into a fight, I was attacked twice while in protective custody at Merrimack county D.I.C. once by inmate Matthew Sanborn, who hit me in the face with a meal tray and the other time by an inmate "Sully" who punched me while I was walking away. ON both instances I was never to nor was there ever criminal charges brought against either one of those gentlemen, if I was aware I could of brought charges, I would of. there's a reason for being



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in "Protected custody", And It's Not to Be Assaulted.

ON That SAME day I Wrote BACK to MR. VINSON About Copies of Papers. ON October 1st. 2013 I Wrote to The Programs Officer Requesting The Use of The Type Writer And Paper So That I could write motions, Etc. Was told needed court Permission.

The following Day October 2nd. 2013, I Received A written Response from Attorney VINSON telling me to follow The Merrimack County Policies Regarding my Request for Copies of Kiosk Transactions, write up give to me, correspondence Between me case management, Etc. So As you can see By The Request And Responses I have copies of, I could not use That Policies to get information. See Response.

ON October 2nd. 2013 I ALSO Attempted to Solve the property issue By writing Property officer Overlock on The Kiosk, And Asked Him The Process To Submit A claim. While waiting on Him,

ON October 4th. 2013 I Submitted AN Inmate copy/ Notary Request form Asking for copies of motions I Had drawn up, Requesting Assistance From The courts.

ON October 8th. 2013 MR. Overlock Responded And Asked me to Send Him A list of what Property was missing, I Did. I got A Response to my Inmate copy/ Notary Request form ON October

I've About come to my Whits End At This Time So I Wrote To The United States District court Asking for copies of forms And Rules, in order to do That I Needed to Send my Request in A Self Addressed Stamped Envelope to my Friend, So He could Put A money order in the Envelope And Then mail it To The U.S. District court. Now for Some Reason

(9)

ON October 22nd 2013 I Received Two Major Disciplinary Reports, one for UNAUTHORIZED USE OF PROPERTY BELONG TO ANOTHER, I WAS FOUND NOT GUILTY FOR THAT, AND THE SECOND ONE FOR UNAUTHORIZED CORRESPONDENCE TO THE U.S. DISTRICT COURT THE LETTER WAS NEVER RECEIVED. I WAS FOUND GUILTY FOR THAT WRITE UP.

ON October 28th 2013 MR. OVERLOCK RESPONDED TO MY LIST OF MISSING PROPERTY, BY STATING "ALL YOUR PROPERTY WAS BAGGED" ALSO ON October 28th 2013, I REQUESTED VIA INMATE COPY / NOTARY REQUEST FORM FOR COPIES OF A COMPLAINT, MOTION AND ASSETS AND LIABILITIES FOR THE COURTS. I RECEIVED A RESPONSE ON THE 29th OF OCTOBER, MY REQUEST WAS DENIED STATING "PLEASE DEMONSTRATE THAT NOTARY SERVICES IS REQUIRED FOR THIS DOCUMENT (SHE HAD THE DOCUMENT AND COULD SEE IT WAS NEEDED) AND "SINCE I'M INDIGENT AND (THE COUNTY) ARE NOT OBLIGATED TO PROVIDE COPIES OF THESE DOCUMENTS, SINCE THEY DO NOT RELATE TO YOUR INCARCERATION/CHARGES HERE". I GOT ALL REQUEST AND RESPONSE IN WRITING.

ON October 30th 2013 I WROTE TO CAPTAIN KARR WYMAN IN REGARDS TO THIS ISSUE, I EXPLAINED IT TO HER IN A 10/7 PAGE LETTER.

AFTER HAVING MY LETTER TO THE UNITED STATES DISTRICT COURT TAKEN AND READ, BUT NEVER MAKING IT TO THE COURTS, I WROTE TO A FRIEND ON NOVEMBER 5th 2013 I GOT A RESPONSE FROM HIM, (THE ACLU) WITH AN INTAKE QUESTIONNAIRE TO FILL OUT, WHICH I HAVE YET TO DO BECAUSE THEY NEED ME TO LET THEM USE MY NAME WHEN ASKING MERRIMACK COUNTY DEPT ABOUT MY COMPLAINTS. I HAD ALSO WROTE TO MIKE AT THE DEPARTMENT

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of Justice who suggested I wrote Superior Court with my complaint and worries.

I also Requested A Grievance form from Mrs. Palelli after not getting a Response from Captain Wymann, Her Response Mrs. Palelli was "This matter has been looked into and is currently being looked into by Captain. Please Allow them the opportunity to Respond before Reaching this level." As of this Day, I have not Received Any Written Response.

On November 17th, 2013 I wrote Back to Mrs. Palelli stating that I was supposed to be sentenced on December 5th, 2013 and wished to solve this prior to going to another Facility, my sentencing date was postponed on the 20th of November, on the same day at 10:00 AM I was informed by our unit officer Delany that I was to Report to Processing/Property. I was transferred by officer Buckman, once in Processing I was directed to the Property Window by Sargent Jardullo, I went to the Property Window and Mr. Overlock started questioning, and badgering me about my Property. After a couple of minutes he was joined by Sargent Jardullo and I had an officer in each ear asking questions. After a few minutes Sargent Jardullo growled and grabbed his head, that scared me and I felt very intimidated. At this point, and started backing off (closing up).

I was presented the items I had brought to Valley Street with me back in July of 2012, also when I was transported back to Merrimack County on September 16th, 2013 I also brought 1 Bar Soap, Soap Dish, 1/2 Bag Coffee, 1 used Deodorant with me from Valley Street (also a bottle of skin cream that they would not give me, but Merrimack County Rules I was not supposed to get along of those items,



## Plaintiffs Relationship with Mr. Fred Chapman

About 20 or 30 Years Ago, myself And my Fiance At The Time, Miss Sylvia Kowalczyk were living in our House in Sunapee, N.H., Sylvia was employed By Seaside Point Alcohol And Drug Treatment center on the lake.

one morning Sylvia was Parking her car in The Employee Parking lot At work. When this Guy, Later Identified AS Mr. Fred Chapman OF Newport, N.H., Jumped in The car, Put A Knife To Sylvia's Throat And forced Her To drive down The Road on Jobs Creek Road, Pull over At A Pull off. He then Brought her into The woods, Raped her Beat Her And cut Her.

He left her For Dead, Well She lived And She died. She Survived The Attack, But Her soul And desire was TAKEN. ANYWAYS,

He was caught, Found Guilty And went to Prison, I Too Ended up in Prison. I was free to live with him in The same unit or should I say chose to, Since I had Choices By Stayed in Minimum Security, Worked Beside Him And Not Once Touched Him. we had A verbal conflict By then was it

While I was writing her A Merrimack County D.O.C. he was Brought in For Assault on A Child, I never TALKED with Him or Anything. The Lord with Dead with that Man This Place found A Prison To cause Hell in my life.

The Rest is in my Complaint.

December 19th, 2013

Thank you

WALTER H. SIMPSON PRO SE

11 OF 11 *Walter H. Simpson*, PRO SE

December 19th. 2013

Please Excuse ~~the~~ <sup>the</sup> 27 Types of Paper  
But I'm Indigent and had to Borrow paper from Two  
People, Which Brings me to my Request;

I Am currently AN Inmate at the Merrimack County Department of corrections, AS I stated Above I'm AN Indigent Inmate, This County Refuse to do copies for me due to the fact that I'm Indigent, Which is why I've Enclosed A Motion to Waive Filing Fee's, Which I'm Hoping the Judge can Review, Since the only copies I have Are the ones Enclosed.

Also, my Printing is not that well, the County has a type writer and I know how to type (3 words a min (60) But in order to use the type write and get more than 5 pieces of typing paper, we need to get the courts approval, may I also get that?

Part of my case is in Relations to the Abuse  
Matter, Plus they will not pay Postage, The money is  
Taken From our Accounts, Even if your Indigent, you  
Just go in the Negative.

I messed up on the Mixins, I just did not have enough paper. Sorry Sir, (Ma'am) I have no Tape stapler to attach the pages, I've numbered them on top then on bottom to better the system. Respectfully,

Respectfully,  
Walt McLean

WALTER H. SIMPSON  
M.C. CO. 314 Dew Highway  
Boschenwa, N.H. 03323

December 19th, 2013